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SUBJECT: TAMIL NADU REPEALS ITS ANTI-CONVERSION LAW

REF: 04 Chennai 01315 AND PREVIOUS

¶1. (U) SUMMARY: On May 31, 2006, the newly elected Tamil Nadu Assembly passed a bill that formally repealed the state's already inactive anti-conversion law. Formal repeal of the anti-conversion law fulfilled a campaign promise of the victorious Dravida Munnethra Khazhagam (DMK) party. END SUMMARY

THE HISTORY OF TAMIL NADU'S ANTI-CONVERSION LAW

¶2. (SBU) The Tamil Nadu Prohibition of Forcible Conversion of Religion Ordinance was promulgated in October 2002. It prohibited conversion from one religion to another by the "use of force or allurement or by fraudulent means." The ordinance was subsequently replaced by an Act in May 2003 (Reftel) which made the anti-conversion provisions the law of the state. But following an overwhelming defeat of her AIADMK Party in the May 2004 Lok Sabha elections, former Chief Minister J Jayalalithaa, who had introduced the controversial law, reversed course and issued an ordinance repealing the anti-conversion law. The reversal was not a result of any change of heart on Jayalalithaa's part but rather because she believed that her support of the law had hurt her with Christian and Muslim voters in the state.

NEW LAW PROVIDES FINAL BURIAL FOR THE ANTI-CONVERSION ACT

¶3. (U) Although most Tamil Nadu religious leaders felt that the repeal of the anti-conversion act by ordinance was adequate, especially since no one had ever been prosecuted under the law, some remained uncomfortable since by law an ordinance automatically lapses after six months. The failure to replace the ordinance with a new law formally repealing the anti-conversion statute was interpreted by some as leaving the law technically still in place and legally enforceable. But the new DMK government put that concern to rest with passage of the repeal bill. In a speech at the assembly on the day of its passage, new Chief Minister M. Karunanidhi cited the repeal of the anti-conversion law as one of four important legislative actions that day for which, "May 31, 2006 will be remembered as a red letter day in the annals of the Tamil Nadu Assembly." When asked later why he had felt it important to pass this law to repeal a law that was already dead, Karunanidhi noted, "We had to exhume the body to make sure it was really dead."

¶4. (U) Echoing the thoughts of many Christian and Muslim

leaders, Chennai Catholic Bishop Lawrence Pius told Post,
"We are very happy and relieved that the anti-conversion law
is finally repealed on paper."

HOPPER